

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO LEYVA-VILLAPUDUA and IRMA  
MARTINEZ-ONTIVEROS

Defendant.

**8:18CR166**

**ORDER**

This matter is before the court on Defendant Martinez-Ontivero's unopposed Motion to Continue Trial [43]. Counsel recently received additional Rule 16 materials and needs additional time to prepare for trial. For good cause shown,

**IT IS ORDERED** that Defendant Martinez-Ontivero's unopposed Motion to Continue Trial [43] is granted as follows:

1. The jury trial, **as to both defendants**, now set for December 11, 2018, is continued to **February 12, 2019**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and February 12, 2019**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).

Dated this 29<sup>th</sup> day of November 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge